

HR Weekly Podcast 10/29/2014

Today is October 29, 2014, and welcome to the HR weekly podcast from the State Human Resources Division. Today's topic concerns a case in which a dialysis clinic was sued by the United States Equal Employment Opportunity Commission, or EEOC, for disability discrimination.

Dialysis Clinic, Inc., or DCI, was charged by the EEOC with violation of federal law when the company fired and refused to rehire a long time nurse, Francisca Lee, who needed more medical leave to complete her cancer treatment. Lee had worked at DCI's Sacramento Southgate location for 14 years when she was diagnosed with breast cancer. She took medical leave in order to have mastectomy surgery and chemotherapy treatments.

DCI notified Lee by mail four months later that she was being terminated for exceeding the time limit stated in the company's medical leave policy. This termination was done despite Lee being on approved medical leave and being cleared by her physician to return to work without restrictions in less than two months. In addition, Lee was informed that she would need to reapply for open positions if she desired reemployment with the company. Lee did apply two months later but was rejected. DCI, however, hired a newly licensed nurse.

Termination of a qualified employee because of a disability violates the Americans with Disabilities Act, or the ADA. The ADA requires an employer to provide an employee or job applicant with reasonable accommodation unless doing so would impose an undue hardship on the employer. The EEOC filed the lawsuit after attempts to resolve the case through pre-litigation conciliation efforts were unsuccessful.

Michael Baldonado, District Director for San Francisco's EEOC, remarked, "The purpose of the ADA is to ensure that people who are qualified and able to do the job can work without prejudice against disability to hold them back. After her doctor cleared her for work, Ms. Lee was passed over in favor of a far less qualified candidate."

The EEOC enforces federal laws prohibiting employment discrimination. Further information regarding the EEOC can be found at www.eeoc.gov. Thank you.